

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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NORTH READING SCHOOL COMMITTEE  
Plaintiff

U.S. DISTRICT COURT  
DISTRICT OF MASS

v.

Civil Action No. 05-11162 RCL

BUREAU OF SPECIAL EDUCATION  
APPEALS of the MASSACHUSETTS  
DEPARTMENT OF EDUCATION,  
MASSACHUSETTS DEPARTMENT  
OF EDUCATION, and TIMOTHY  
GRAFTON and COURTNEY GRAFTON,  
as Parents and Next Friend of M.G.  
Defendants

**ANSWER OF THE DEFENDANT IN COUNTERCLAIM,  
NORTH READING SCHOOL COMMITTEE, TO COUNT I ONLY OF  
TIMOTHY AND COURTNEY GRAFTON'S COUNTERCLAIM**

31. Admitted.
32. Admitted.
33. Defendant in Counterclaim admits that such a demand was made, but deny that it did not respond.
34. Denied.

Count I

35. The defendant in counterclaim repeats and reavers its responses to paragraphs 1 to 34 as if set forth fully herein.
36. The defendant in counterclaim admits that the Parents' due process hearing was brought pursuant to 20 U.Sc. §1415(f). In further responding, the defendant in

counterclaim states that the statute cited speaks for itself and no response is necessary.

37. The Defendant in Counterclaim denies that the Plaintiff in Counterclaim was the prevailing party as the BSEA matter is the subject of the Plaintiff's appeal.

38. Denied.

39. Denied.

#### Count II

40. The defendant in counterclaim has filed a Motion to Dismiss Count II of the Counterclaim as its responsive pleading to Count II.

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65[sic]. The defendant in counterclaim has filed a Motion to Dismiss Count II of the Counterclaim as its responsive pleading to Count II.

#### First Affirmative Defense

The Plaintiff in Counterclaim fails to state a claim upon which relief may be granted.

#### Second Affirmative Defense

By way of affirmative defense, the Defendant-in-Counterclaim states that the action is barred by the statute of limitations.

Respectfully submitted,  
The Plaintiff/Defendant-in-Counterclaim,

North Reading School Committee,

By its attorneys,

SULLIVAN & NUTTALL, P.C.

*Th. J. Nuttall*

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Certificate of Service

I hereby certify that I have served a copy of the foregoing document on all counsel of record for each party by first class mail, postage prepaid.

Date: 9/20/05

*Th. J. Nuttall*

Thomas J. Nuttall